

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 19-00026 WHA

v.

DAVID JAH,

Defendant.

**ORDER RE MOTION FOR RELEASE
FROM CUSTODY PENDING
SENTENCING OR APPEAL**

Buried deep within one of Mr. Jah's twelve post-trial filings lies a motion for release from custody pending sentencing or appeal. Mr. Jah moves pursuant to F.R.Cr.P. 46 and 18 U.S.C. § 3143(A)(i) (*see* "Motion for a New Trial," Dkt. No. 595 at 15).

Under Rule 46, "The burden of establishing that the defendant will not flee or pose a danger to any other person or to the community rests with the defendant." F.R.Cr.P. 46(c). Section "3143(A)(i)" does not exist, but Section 3143(2)(A)(i) addresses the grounds that Mr. Jah cites, namely that a district court may grant release if there exists "a substantial likelihood that a motion for acquittal or new trial will be granted."

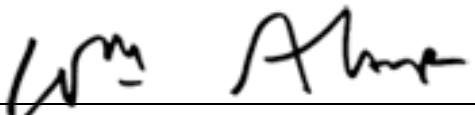
Mr. Jah has not offered any argument or evidence to support his contention under Rule 46 that no he poses no danger or risk of flight. Furthermore, the Court cannot find that his

post-trial motions for acquittal or a new trial show a substantial likelihood of success.

The motion is **DENIED**.

IT IS SO ORDERED.

Dated: July 22, 2021.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE